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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10642834	08/18/03		13898 B

Charles E. Baxley, Esquire  
90 John Street, Third Floor  
New York, New York 10038

Date Mailed: January 11, 2006

## DENIAL OF REQUEST FOR REFUND

Your refund request dated 09/14/05 for the amount of \$625.00 in the above-identified application is acknowledged. However, this request cannot be granted for the reason specified below.

- Refund based upon subsequent establishment of small entity status: A refund based on establishment of small entity status may be granted only if a written assertion of entitlement to small entity status under 37 CFR 1.27 and a request for refund of the excess amount are filed within three months of payment and of the fee (37 CFR 1.28). Three-month period for establishing small entity status and requesting a refund has expired.
- Refund of application filing or petition fee: Filing fees paid for an application that is entitled to a filing date and required petition fees are not fees paid by mistake or in excess. If an application is **not** entitled to a filing date and proceedings are terminated on the application, any filing fees (less the \$130 handling fee) will be refunded (37 CFR 1.53(e)(3)).
- Refund of overpayment: There was no overpayment made by applicant. All fees were calculated and assessed properly.
- The payment for which the refund is requested has not been applied to the application. The payment check was returned to applicant for the following reason:
  - Not filled out properly. (See attached copy of notice.)
  - Not made payable in U.S. funds.
  - No explanation was given as to purpose.
  - Payment was previously received and applied by Office.
  - Check was returned by bank for insufficient funds.

**\*\*Any request for reconsideration or review of this decision must be by way of a petition filed within two months of this decision, which decision must set forth with particularity why a refund is due (see 37 CFR 1.181(b) and (f)).**

Please contact Customer Service at (571) 272-4000 for any inquiries regarding this decision.



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The fees were charged correctly according to the fee due at that time. Money was refunded to your deposit account on June 03, 2005

Eleanor F. Kurtz  
Office of Initial Patent Examination



13898 B  
CEB:lp  
31 May 05

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Lai Chun CHI	X
Assignee	:	Basso Industry Corp.	:
Serial No.	:	10/642,834	:
Filed	:	August 18, 2003	:
For	:	APPARATUS FOR ADJUSTING WIDTH OF DRIVE CHANNEL OF NAILER	:
Art Unit	:	3721	:
Examiner	:	Nathaniel C. CHUKWURAH	:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313 - 1450

ATTENTION: MAIL STOP - FEE RESPONSE

*See corrections  
on page 2 hereof.*

REQUEST FOR CORRECTION OF SMALL ENTITY  
STATUS UNDER 37 CFR 1.128(c) AND ACCEPTANCE  
OF DEFICIENCY PAYMENT

Dear Sir:

In connection with the above referenced United States Patent Application, Applicant erroneously and in good faith claimed Small Entity status and paid corresponding Small Entity

<u>MAILING CERTIFICATE</u>	
I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: ATTENTION: MAIL STOP - FEE RESPONSE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313 - 1450 on the date indicated below:	
Charles E. Baxley Attorney's Name	<u>Charles E. Baxley</u>
Signature	<u>Charles E. Baxley</u>
May 31, 2005 Date	

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Fees itemized below. Applicant and Assignee hereby request that its status be amended to "Large Entity".

*Basso Industries Corp became Large Entity on June 30, 2004.*

Fee Type	Date Paid	Erroneous Fee Payment	Current Fee for Large Entity	Deficiency Amount
Basic statutory filing fee	February 25, 2005 August 18, 2003	\$375.00 <i>← PRIOR TO June 30, 2004.</i>	\$1,000.00	\$625.00
Issue Fee	April 8, 2005	\$700.00	\$1,400.00	\$700.00
Publication Fee	April 8, 2005	\$300.00	None	None

*Paid by mistake*

*Should have been 700.00*  
Accordingly a check in the amount of ~~One Thousand Three Hundred Twenty Five~~ <sup>Issue and Publication</sup>  
(\$1,325.00) Dollars is enclosed herewith to pay the difference for a Large Entity Filing Fee along with a copy of the Filing receipt.

The commissioner is authorized to credit any overpayment or debit any deficiency to Deposit Account 02-1435.

*Refund of \$625.00 should be paid to Attorney's Deposit Account 02-1435  
Charles E. Boxby  
Attorney of Record*

Courtesy and cooperation of the Patent and Trademark Office hereon are acknowledged and appreciated.

Respectfully,

BY:

*Charles E. Baxley*  
CHARLES E. BAXLEY  
Attorney of Record  
USPTO Reg. 20,149  
90 John Street - 3rd Floor  
New York, New York 10038  
Telephone (212) 791-7200  
Facsimile (212) 791-7276  
E-mail ceb@hartbaxley.com

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Enclosure: Copy of Filing Receipt; and  
Check in the amount of \$1,325.00

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SEP 14 2005  
1435187

PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicants : Lai Chun CHI 205 SEP 20 2003 Docket Number : 13898 B  
Serial No. : 10/642,834 Examiner : Nathaniel C. CHUKWURAH  
Filed : August 18, 2003, PATENT & TRADEMARK Art Unit : 3721  
For : **APPARATUS FOR ADJUSTING WIDTH OF DRIVE CHANNEL OF NAILER**

Transmitted herewith is/are the following:

REQUEST FOR REFUND OF OVERPAYMENT w/MAILING CERTIFICATE

REQUEST FOR CORRECTION OF SMALL ENTITY STATUS UNDER 37 CFR 1.128(c) AND ACCEPTANCE OF DEFICIENCY PAYMENT w/MAILING CERTIFICATE

Other Acknowledgment Postcard

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The Commissioner is authorized to charge any additional fees required, or to credit any overpayment to Account No. 02-1435. A duplicate copy of this sheet is enclosed.

A check in the amount of \$\_\_\_\_ is enclosed.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop No Fee Submission, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 12, 2005.

Respectfully,

CHARLES E. BAXLEY  
Attorney of Record  
USPTO REG. 20,149

Dated: September 12, 2005  
CHARLES E. BAXLEY, ESQUIRE  
Hart, Baxley, Daniels & Holton  
90 John Street, Third Floor  
New York, New York 10038  
Tel: (212) 791-7200  
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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicants : Lai Chun CHI

Serial No. : 10/642,934

Filed : August 18, 2003

For : **APPARATUS FOR ADJUSTING WIDTH OF DRIVE CHANNEL OF NAILER**

Docket Number : 13898 B

Examiner : Nathaniel C. CHUKWURAH

Art Unit : 3721

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Other Acknowledgment Postcard

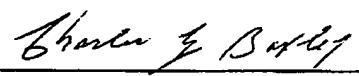
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Respectfully,

  
CHARLES E. BAXLEY  
Attorney of Record  
USPTO REG. 20,149

Dated: September 12, 2005  
CHARLES E. BAXLEY, ESQUIRE  
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90 John Street, Third Floor  
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